

## 2003 DRAFTING REQUEST

### Bill

Received: **01/09/2003**

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **Lovell, David**

This file may be shown to any legislator: **NO**

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians

---

### Instructions:

See Attached WLC: 0085/1

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	pdykman 01/10/2003	kgilfoy 01/13/2003					
/1			pgreensl 01/14/2003		lemery 01/14/2003	lemery 06/03/2003	

FE Sent For:

*None  
needed*

<END>



**2003 DRAFTING REQUEST****Bill**Received: **01/09/2003**Received By: **pdykman**Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**By/Representing: **Lovell, David**This file may be shown to any legislator: **NO**Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO****Pre Topic:**

No specific pre topic given

**Topic:**

Preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians

**Instructions:**

See Attached WLC: 0085/1

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	pdykman 01/10/2003	kgilfoy 01/13/2003					
/1			pgreensl 01/14/2003		lemery 01/14/2003		

FE Sent For:

&lt;END&gt;

*For Assembly  
per Joyce Kuehl  
@ LC*



01/09/2003 10:34:00 AM

Page 1

**2003 DRAFTING REQUEST****Bill**Received: **01/09/2003**Received By: **pdykman**Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**By/Representing: **Lovell, David**This file may be shown to any legislator: **NO**Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians

---

**Instructions:**

See Attached WLC: 0085/1

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pdykman	1-1/3 bmg	Le conclusion ch 1-a y/p8	1/14 -P8 /R			
FE Sent For:							
<END>							



1     **AN ACT** *to amend* 13.0992 (2) (c) and (6); and *to create* 13.0992 of the statutes:  
2           **relating to:** preparation of tribal impact statements for bills that would have an  
3           impact on tribal governments or American Indians.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Bill 772, which was introduced by the council on the committee's recommendation.

The draft requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. It applies to bills that apply specifically to tribal governments or American Indians or that affect tribal governments or American Indians differently than other governments or entities or other individuals. The requirements of the draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

The draft directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chairperson or either cochairperson of the special committee on state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state council is created, as is proposed in separate legislation recommended by the special committee on state-tribal relations, the draft permits either cochairperson or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The draft states that a standing committee may not hold a public hearing on, or report a bill for which a tribal impact statement is required, before receipt of the statement.

4           **SECTION 1.** 13.0992 of the statutes is created to read:

5           **13.0992 Tribal impact statements.** (1) In this section:



1 (a) "Agency", except in par. (d), means an office, department, agency, institution of  
2 higher education, association, society, or other body in state government created or authorized  
3 to be created by the constitution or any law, which is entitled to expend moneys appropriated  
4 by law, including the legislature and the courts, but not including an authority.

5 (b) "Authority" means a body created under ch. 231, 232, 233, 234, 235, or 237.

6 (c) "Have an impact on tribal governments or American Indians," when referring to a  
7 bill, means to do any of the following:

- 8 1. Apply directly and specifically to tribal governments or American Indians.
- 9 2. Affect a tribal government differently than other governments or other entities.
- 10 3. Affect individual American Indians differently than other individuals.

11 (d) "Tribal government" means the government of a federally recognized American  
12 Indian tribe or band in this state or any unit, agency, subdivision, or corporation of that  
13 government.

14 (2) (a) Whenever a bill is introduced in either house of the legislature that would have  
15 an impact on tribal governments or American Indians, the legislative reference bureau shall  
16 promptly transmit a copy of the bill to the department of administration.

17 (b) Either house of the legislature may, under rules of that house or joint rules of the  
18 legislature, request the department of administration to order the preparation of a tribal impact  
19 statement with respect to any bill before that house, either in its original form or as affected  
20 by one or more amendments. If a house so requests, the chief clerk of that house shall  
21 thereupon request the legislative reference bureau to transmit a copy of that bill and any  
22 affected amendments to the department of administration.

23 (c) The chairperson or either cochairperson of the special committee on state-tribal  
24 relations may request the department of administration to order the preparation of a tribal



1 impact statement with respect to any bill that has an impact on tribal governments or American  
2 Indians and that has not been transmitted to the department of administration under par. (a)  
3 or (b). In making a request under this paragraph, the chairperson or cochairperson shall  
4 request the legislative reference bureau to transmit a copy of the bill and any affected  
5 amendments to the department of administration and shall notify the chief clerk of the house  
6 in which the bill is currently pending.

7 (3) Upon receipt of a bill under sub. (2), the department of administration shall direct  
8 one or more agencies or authorities to prepare a tribal impact statement with respect to the bill.  
9 Each tribal impact statement shall describe the impact on tribal governments or American  
10 Indians that would result from enactment of the bill.

11 (4) Each agency or authority that is directed to prepare a tribal impact statement under  
12 sub. (3) shall provide the statement to the department of administration within 5 working days  
13 after the date on which it receives the direction, but the department of administration, on a  
14 limited basis only and upon an agency's request received before the end of the 5-day period  
15 and applicable to only one tribal impact statement, may extend the period for the specified  
16 tribal impact statement to not more than 10 working days if the statement necessitates  
17 extended research. Whenever the extension is granted, the department of administration shall  
18 immediately notify the legislative reference bureau.

19 (5) Upon receiving a tribal impact statement under sub. (4), the department of  
20 administration shall transmit it to the legislative reference bureau, which shall transmit one  
21 copy to the principal author of the bill and one copy to the chief clerk of the house of the  
22 legislature in which the bill originated. The tribal impact statement shall be reproduced and  
23 distributed as are amendments.



1           (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill, the  
2 legislative reference bureau shall include a notation to that effect on the jacket of the bill when  
3 the jacket is prepared. If the preparation of a tribal impact statement is requested by a house  
4 of the legislature or the chairperson or cochairperson of the special committee on state-tribal  
5 relations, the chief clerk of that house shall include a notation to that effect on the jacket of  
6 the bill.

7           (7) Whenever a tribal impact statement for a bill is required or requested under this  
8 section, a standing committee to which the bill is referred may not hold a public hearing on  
9 the bill or report the bill until the statement is received by the chief clerk of the house in which  
10 the bill originated.

11           SECTION 2. 13.0992 (2) (c) and (6) of the statutes, as created by 2003 Wisconsin  
12 Act .... (this act), are amended to read:

13           13.0992 (2) (c) The chairperson or either cochairperson of the special committee on  
14 state-tribal relations or of the Wisconsin tribal-state council or the executive director of the  
15 Wisconsin tribal-state council may request the department of administration to order the  
16 preparation of a tribal impact statement with respect to any bill that has an impact on tribal  
17 governments or American Indians and that has not been transmitted to the department of  
18 administration under par. (a) or (b). In making a request under this paragraph, the chairperson  
19 ~~or~~ cochairperson, or executive director shall request the legislative reference bureau to  
20 transmit a copy of the bill and any affected amendments to the department of administration  
21 and shall notify the chief clerk of the house in which the bill is currently pending.

22           (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill, the  
23 legislative reference bureau shall include a notation to that effect on the jacket of the bill when  
24 the jacket is prepared. If the preparation of a tribal impact statement is requested by a house



1 of the legislature or the chairperson or cochairperson of the special committee on state-tribal  
2 relations or of the Wisconsin tribal-state council or the executive director of the Wisconsin  
3 tribal-state council, the chief clerk of that house shall include a notation to that effect on the  
4 jacket of the bill.

5 **SECTION 3. Nonstatutory provisions.**

6 (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6) of  
7 the statutes, as created by this act, is void unless 2003 Wisconsin Act .... (Senate Bill/Assembly  
8 Bill ....) (WLC: 0084/1) creates a Wisconsin tribal-state council and authorizes the council to  
9 appoint an executive director and the act is enacted into law before August 1, 2004.

10 **SECTION 4. Effective date.**

11 (1) This act takes effect on January 1, 2005.

12 (END)





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1398-PT

PJD:ch

King

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(CS)

# This bill <sup>(CS)</sup> is explained in the PREFATORY  
NOTE <sup>(CS)</sup> provided by the Joint  
Legislative Council in the bill.  
# FE-5

Due 4/15

Sen. Cat.

SGD

1 AN ACT to amend 13.0992 (2) (c) and (6); and to create 13.0992 of the statutes;  
2 relating to: preparation of tribal impact statements for bills that would have  
3 an impact on tribal governments or American Indians.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

**The people of the state of Wisconsin, represented in senate and assembly, do  
enact as follows:**

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE. This <sup>bill</sup> draft was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Bill 772, which was introduced by the council on the committee's recommendation.

The <sup>bill</sup> draft requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. It applies to bills that apply specifically to tribal governments or American Indians or that affect tribal governments or American Indians differently than other governments or entities or other individuals. The requirements of the <sup>bill</sup> draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

<sup>bill</sup> The <sup>bill</sup> draft directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chairperson or either cochairperson of the special committee on state-tribal relations may request a tribal impact statement. If the Wisconsin



tribal-state council is created, as is proposed in separate legislation recommended by the special committee on state-tribal relations, the ~~draft~~ <sup>bill</sup> permits either cochairperson or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The ~~draft~~ states that a standing committee may not hold a public hearing on, or report a bill for which a tribal impact statement is required, before receipt of the statement.

1        **SECTION 1.** 13.0992 of the statutes is created to read:

2        **13.0992 Tribal impact statements.** (1) In this section:

3        (a) "Agency", except in par. (d), means an office, department, agency, institution  
4 of higher education, association, society, or other body in state government <sup>created</sup>  
5 or authorized to be created by the constitution or any law, which is entitled to expend  
6 moneys appropriated by law, including the legislature and the courts, but not  
7 including an authority.

8        (b) "Authority" means a body created under ch. 231, 232, 233, 234, 235, or 237.

9        (c) "Have an impact on tribal governments or American Indians," when  
10 referring to a bill, means to do any of the following:

11        1. Apply directly and specifically to tribal governments or American Indians.

12        2. Affect a tribal government differently than other governments or other  
13 entities.

14        3. Affect individual American Indians differently than other individuals.

15        (d) "Tribal government" means the government of a federally recognized  
16 American Indian tribe or band in this state or any unit, agency, subdivision, or  
17 corporation of that government.

18        (2) (a) Whenever a bill is introduced in either house of the legislature that  
19 would have an impact on tribal governments or American Indians, the legislative  
20 reference bureau shall promptly transmit a copy of the bill to the department of  
21 administration.



1 (b) Either house of the legislature may, under rules of that house or joint rules  
2 of the legislature, request the department of administration to order the preparation  
3 of a tribal impact statement with respect to any bill before that house, either in its  
4 original form or as affected by one or more amendments. If a house so requests, the  
5 chief clerk of that house shall thereupon request the legislative reference bureau to  
6 transmit a copy of that bill and any affected amendments to the department of  
7 administration.

8 (c) The chairperson or either cochairperson of the special committee on  
9 state-tribal relations may request the department of administration to order the  
10 preparation of a tribal impact statement with respect to any bill that has an impact  
11 on tribal governments or American Indians and that has not been transmitted to the  
12 department of administration under par. (a) or (b). In making a request under this  
13 paragraph, the chairperson or cochairperson shall request the legislative reference  
14 bureau to transmit a copy of the bill and any affected amendments to the department  
15 of administration and shall notify the chief clerk of the house in which the bill is  
16 currently pending.

17 (3) Upon receipt of a bill under sub. (2), the department of administration shall  
18 direct one or more agencies or authorities to prepare a tribal impact statement with  
19 respect to the bill. Each tribal impact statement shall describe the impact on tribal  
20 governments or American Indians that would result from enactment of the bill.

21 (4) Each agency or authority that is directed to prepare a tribal impact  
22 statement under sub. (3) shall provide the statement to the department of  
23 administration within 5 working days after the date on which it receives the  
24 direction, but the department of administration, on a limited basis only and upon an  
25 agency's request received before the end of the 5-day period and applicable to only



1 one tribal impact statement, may extend the period for the specified tribal impact  
2 statement to not more than 10 working days if the statement necessitates extended  
3 research. Whenever the extension is granted, the department of administration  
4 shall immediately notify the legislative reference bureau.

5 (5) Upon receiving a tribal impact statement under sub. (4),<sup>✓</sup> the department  
6 of administration shall transmit it to the legislative reference bureau, which shall  
7 transmit one copy to the principal author of the bill and one copy to the chief clerk  
8 of the house of the legislature in which the bill originated. The tribal impact  
9 statement shall be reproduced and distributed as are amendments.

10 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,<sup>✓</sup>  
11 the legislative reference bureau shall include a notation to that effect on the jacket  
12 of the bill when the jacket is prepared. If the preparation of a tribal impact statement  
13 is requested by a house of the legislature or the chairperson or cochairperson of the  
14 special committee on state-tribal relations, the chief clerk of that house shall include  
15 a notation to that effect on the jacket of the bill.

16 (7) Whenever a tribal impact statement for a bill is required or requested under  
17 this section, a standing committee to which the bill is referred may not hold a public  
18 hearing on the bill or report the bill until the statement is received by the chief clerk  
19 of the house in which the bill originated.

20 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2003 Wisconsin  
21 Act .... (this act), are amended to read:

22 13.0992 (2) (c) The chairperson or either cochairperson of the special committee  
23 on state-tribal relations or of the Wisconsin tribal-state council or the executive  
24 director of the Wisconsin tribal-state council may request the department of  
25 administration to order the preparation of a tribal impact statement with respect to



1 any bill that has an impact on tribal governments or American Indians and that has  
2 not been transmitted to the department of administration under par. (a) or (b). In  
3 making a request under this paragraph, the chairperson ~~or~~, cochairperson, or  
4 executive director shall request the legislative reference bureau to transmit a copy  
5 of the bill and any affected amendments to the department of administration and  
6 shall notify the chief clerk of the house in which the bill is currently pending.

7 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,  
8 the legislative reference bureau shall include a notation to that effect on the jacket  
9 of the bill when the jacket is prepared. If the preparation of a tribal impact statement  
10 is requested by a house of the legislature or the chairperson or cochairperson of the  
11 special committee on state-tribal relations or of the Wisconsin tribal-state council  
12 or the executive director of the Wisconsin tribal-state council, the chief clerk of that  
13 house shall include a notation to that effect on the jacket of the bill.

14 **SECTION 3. Nonstatutory provisions.**

15 (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6)  
16 of the statutes, as created by this act, is void unless 2003 Wisconsin Act .... (Senate  
17 Bill/Assembly Bill ....) (WLC: 0084/1) creates a Wisconsin tribal-state council and  
18 authorizes the council to appoint an executive director and ~~the~~ act is enacted into law  
19 before August 1, 2004. *that*

20 **SECTION 4. Effective date.**

21 (1) This act takes effect on January 1, 2005.

22 (END)

LBB-1397 | 1